REMARKS

This communication is in response to the Office Action mailed on February 1, 2008. Claims 1, 16 and 27 are amended, no claims are canceled, and no claims are added in this communication. As a result, claims 1-27 are now pending in this application.

Interview Summary

The Applicant would like to thank Examiner Roberts for the courtesies extended to its representative Mr. David D'Zurilla during telephonic interviews of April 28 and 29, 2008. Mr. D'Zurilla and Examiner Roberts discussed the Pavlidis reference and the claimed subject matter. It was agreed that the Applicant would submit a written response to the Office Action, and then follow up in a week or two to set up another telephonic interview.

§103 Rejection of the Claims

Claims 1-27 were rejected under 35 USC § 103(a) as being unpatentable over Pavlidis ET al.: Urban Surveillance Systems, 2001 (hereinafter "Pavlidis") in view of Monroe et al., US-2003/0025599 (hereinafter "Monroe").

In order for the Examiner to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. §2143.

The Applicant has amended claims 1, 16 and 27 by adding a feature identical or similar to "**the high speed motion detection algorithm represents a selected portion of a frame with pixels in grey scale, and represents another portion of the frame with pixels in RGB**", which is fully supported by the Specification on page 13, paragraph [0045], and thus believes that no new matters have been entered by this amendment.

Now, amended claim 1 reads as follows (with emphasis added):

1.   (Currently Amended) A method of detecting motion in an area, the method comprising:
        receiving frames of the area;
        using a high speed motion detection algorithm to remove frames in which a threshold amount of motion is not detected, wherein **the high speed motion detection algorithm represents a selected portion of a frame with pixels in**

<u>**grey scale, and represents another portion of the frame with pixels in RGB**</u>;
and

using a high performance motion detection algorithm on remaining frames
to detect true motion from noise,

wherein the high performance detection algorithm operates on [[a]] <u>the</u>
frame having pixels in grey scale for [[a]] <u>the</u> selected portion of the frame, and
operates on the frame having pixels in RGB or other color domain for <u>the</u> another
portion of the frame.

The Applicant respectfully submits that Pavlids does not teach or suggest the feature "**the
high speed motion detection algorithm represents a selected portion of a frame with pixels
in grey scale, and represents another portion of the frame with pixels in RGB**" as now
recited in amended claim 1.

The Office Action, in item 7 of pages 3 and 4, asserts that the dual channel camera
systems of Pavlids "utilize a medium-resolution color camera during the day and a high
resolution gray scale camera during the night......" and "the camera is capable of operating both
the color and grey scale domain", and then concludes that Pavlids "reads upon the claimed
limitation". The Applicant disagrees.

The Applicant submits that this assertion of the Office Action cannot reach the
conclusion that Pavlids teaches the feature "**the high speed motion detection algorithm
represents a selected portion of a frame with pixels in grey scale, and represents another
portion of the frame with pixels in RGB**" as now recited in amended claim 1. Clearly, from
the assertion of the Office Action, it can be seen that Pavlids may **utilize a color camera during
the day and utilize a gray scale camera during the night** for frames, and thus a particular
frame of Pavlids could be produced either by the color camera during the day or by the grey
scale camera during the night, but not by both. However, the Office Action does not show that
Pavlids discloses the feature "**the high speed motion detection algorithm represents a selected
portion of a frame with pixels in grey scale, and represents another portion of the frame
with pixels in RGB**" as now recited in amended claim 1. Furthermore, the Applicant cannot
find any parts of Pavlids that disclose the feature "**the high speed motion detection algorithm
represents a selected portion of a frame with pixels in grey scale, and represents another
portion of the frame with pixels in RGB**" as now recited in amended claim 1.

Monroe does not remedy this defect of Pavlids on this aspect. The Applicant cannot find any parts of Monroe that disclose the feature "**the high speed motion detection algorithm represents a selected portion of a frame with pixels in grey scale, and represents another portion of the frame with pixels in RGB**" as now recited in amended claim 1.

Accordingly, the Applicant respectfully submits that, even combined, Paclids and Monroe does not teach or suggest the feature "**the high speed motion detection algorithm represents a selected portion of a frame with pixels in grey scale, and represents another portion of the frame with pixels in RGB**" as now recited in amended claim 1. Thus, for at least the reasons presented above, the Applicant respectfully submits that the Office did not establish a *prima facie* case of obviousness of amended independent claim 1.

The arguments presented with respect to amended independent claim 1 also apply to amended independent claims 16 and 27, which have features identical or similar to independent claim 1. Since the cited references do not render independent claims 1, 16 and 27 obvious, the cited references do not render their dependent claims 2-15 and 17-26 obvious either, because any claim depending from a nonobvious independent claim is also nonobvious. *See* M.P.E.P. § 2143.03.

Accordingly, the Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1-27 under 35 USC § 103(a).

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 10/684,865
Filing Date: October 14, 2003
Title: MULTI-STAGE MOVING OBJECT SEGMENTATION

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
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Date _____   By _____

Bradley A. Forrest
Reg. No. 30,837

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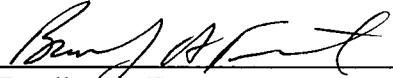**Page 9**
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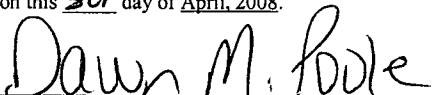If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.
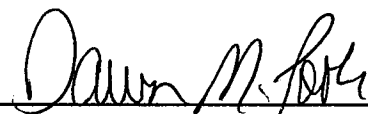
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Date 4/30/2008   By _____
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